

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**CIVIL MINUTES - GENERAL**

Case No.	CV 10-01875 GAF (Ex)	Date	April 1, 2010
Title	Demond Thompson v. Sunstate Equipment Co et al		

Present: The Honorable

GARY ALLEN FEESS

Renee Fisher	None	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:
None		None

Proceedings: **(In Chambers)****REMAND ORDER**

Plaintiff filed the present lawsuit in Los Angeles County Superior Court on March 19, 2009. (Not., Ex. 1.) On March 16, 2010, Defendant Sunstate Equipment Co., LLC (“Sunstate”) received a settlement offer from Plaintiff that satisfied the amount in controversy requirement (*Id.* ¶ 4.), and thereafter removed the action to this Court, alleging subject matter jurisdiction pursuant to 28 U.S.C. § 1332. (*Id.* ¶ 6.)

Section 1332 confers federal courts with jurisdiction over “all civil actions where the matter in controversy exceeds ... \$75,000 ... and is between ... [c]itizens of different States.” 28 U.S.C. § 1332(a)(1). Sunstate asserts that the parties are diverse because Plaintiff is a “citizen of the State of California” and Sunstate is a “citizen of the State of Arizona.” (Not. ¶ 5.)

For the purposes of section 1332 diversity jurisdiction, however, “an LLC is a citizen of every state of which its owners/members are citizens.” *Johnson v. Columbia Props. Anchorage, LP*, 437 F. 3d 894, 899 (9th Cir. 2006). Sunstate has alleged that “each of its two members are citizens of the State of Arizona (Watts Holdings, an Arizona S Corporation with its principal place of business in Arizona, and Cynthia Watts, a citizen of the United States that is domiciled in California.)” (*Id.* (emphasis added).) Accordingly, under the rule of *Johnson*, Sunstate must be considered a citizen of Arizona, where Watts Holdings is incorporated and maintains its principal place of business, § 1332(c), and a citizen of California, where Cynthia Watts is domiciled.

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Because both Plaintiff and Sunstate are California citizens, the suit does not present a “controversy...between...[c]itizens of different States” and the removal notice does not state a basis for this Court’s jurisdiction under section 1332. Accordingly, the case is ordered **REMANDED** to the Los Angeles County Superior Court for all further proceedings.

IT IS SO ORDERED.